

**THE HONOURABLE SRI JUSTICE V. ESWARAI AH**

**WRIT PETITION No.28026 OF 2005**

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**Dated: 30-12-2005**

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**Between**

Haji Osman S/o. Haji Kadar Prop.

M/s. Abdul Sattar Saleh Mohd. & Co.

HPC Kerosene, Bhongir, Nalgonda

District.

...PETITIONER

**AND**

The Commissioner of Civil Supplies,

Civil Supplies Department, Erramanzil,

Somajiguda, Hyderabad and another.

...RESPONDENTS

**ORDER:**

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Petitioner seeks a Writ of Mandamus to declare the action of the first respondent in not passing any orders on the appeal or the stay petition filed by him on 26.12.2005 as illegal and arbitrary.

Learned counsel for the petitioner submits that the petitioner is a wholesale kerosene dealer having licence under the provisions of A.P. Petroleum Products (Licencing & Distribution) Order, 1980 granted in favour of M/s. Abdul Sattar Saleh Mohd. & Company.

A show cause notice dated 06.10.2005 was issued to the petitioner framing certain charges with a direction to submit an explanation.

The petitioner submitted his explanation on 13.10.2005. However, the second respondent by impugned proceedings dated 21.12.2005 cancelled the licence of the petitioner. The learned counsel further submits that the petitioner preferred an appeal before the Commissioner of Civil Supplies, Civil Supplies Department, Hyderabad on 26.12.2005 along with a stay petition. But the first respondent has not passed any orders on the stay petition.

Having regard to the facts and circumstances of the case, the first respondent is directed to dispose the stay petition filed by the petitioner against the order of the second respondent dated 21.12.2005 within two weeks from the date of receipt of a copy of this order and thereafter the appeal itself may be disposed of after giving reasonable opportunity to the petitioner.

The writ petition is accordingly disposed of.

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V. ESWARAI AH, J

December 30, 2005

Note: Furnish C.C. of the order in three days

**(B/O)**

DSK